

To: R2 EPA NY NJ PR VI (EPA Staff)[R2_EPA_NY_NJ_PR_VI_EPA_Staff@epa.gov]
From: Shore, Berry
Sent: Mon 7/25/2016 12:46:50 PM
Subject: POFA/PFOS Clips

Congress urged to look behind Hoosick Falls in PFOA probe: Ohio attorney credited with taking on chemical manufacturers seeks deeper probe

By Brendan J. Lyons

Published 10:48 pm, Friday, July 22, 2016

Albany Times Union

Robert A. Bilott, an Ohio attorney who has taken on DuPont and other manufacturers of a hazardous chemical that's polluted water supplies across the country, is urging a congressional committee to expand its investigation in Hoosick Falls and probe the U.S. Environmental Protection Agency's actions on the contaminant.

Bilott, who helps represent an estimated 3,500 people in a class-action lawsuit against DuPont, which manufactured and used the chemical PFOA in its products, has written a letter to the U.S. House Committee on Oversight and Government Reform saying the arguable mishandling of a water-pollution crisis in eastern Rensselaer County follows years of neglect by the EPA on the issue.

"It is unfortunate that it has taken all these years for people to learn that they have been drinking PFOA and to receive any guidance from EPA as to the safety of long-term exposures to that chemical," Bilott said.

Bilott's request comes after the congressional committee sent letters July 6 to Gov. Andrew Cuomo and EPA Administrator Gina McCarthy requesting they turn over documents related to their agencies' responses to PFOA contamination of public water supplies in eastern Rensselaer County.

The committee cited Times Union articles and other news reports documenting that officials at all levels of government, including the state and Rensselaer County Health departments as well as the EPA, were aware for more than a year that the hazardous chemical, PFOA, had polluted the Hoosick Falls village water system but did not warn residents to stop drinking the water.

State officials later acknowledged the unregulated contaminant also was found in water supplies in nearby Petersburg.

For more than a decade, Bilott has urged the EPA and federal authorities to investigate and address health threats from having PFOA in drinking water.

"Although we understand that the developments in Hoosick Falls since 2014 are what triggered the committee's current investigation, EPA's delay in responding to PFOA drinking water contamination issues extends far beyond Hoosick Falls and well beyond the events of the last two years," Bilott wrote in his letter.

Bilott said the committee did not acknowledge his request, which was accompanied by copies of dozens of documents and letters he wrote to the EPA and other federal agencies dating back years. Bilott noted he first asked the EPA in March 2001 to investigate widespread PFOA contamination of public water supplies.

"We continued, repeatedly, to press EPA to take appropriate action in this regard as more and more PFOA contamination was discovered between 2001 and 2006 in drinking water supplies in West Virginia, Ohio, Minnesota, and New Jersey, leading to significantly elevated PFOA blood levels in the residents drinking that water," Bilott wrote.

In May, the EPA issued a lifetime drinking water health advisory of 70 parts per trillion for human exposure to the man-made chemical, perfluorooctanoic acid, or PFOA. Six public water systems in New York, including two in Rensselaer County, have detected PFOA in their supplies in excess of the EPA's new guidance standard.

Hoosick Falls' system recorded levels at more than 600 ppt in August 2014, and the chemical also has been found in dozens of private wells in that area.

The non-enforceable EPA advisory came after the agency had issued a short-term exposure guideline of 400 ppt in 2009. The EPA has endured criticism, including from Bilott, for taking years to issue a long-term health advisory for exposure to PFOA and other perfluorinated chemicals that have been used in manufacturing for decades.

Bilott said the EPA retreated from investigating PFOA contamination, or setting a national guideline, after it reached an agreement with manufacturers in 2006 that they would phase out their use of the chemical by last year.

The EPA's 2006 agreement with DuPont and other manufacturers came a year after DuPont agreed to pay \$10.25 million in civil penalties to settle a complaint brought by the EPA over the company's PFOA pollution in the Midwest.

A House Oversight committee spokesman did not respond to a request for comment. The EPA also declined comment.

The Times Union first reported in February the state Health Department was made aware in August 2014 that the toxic chemical had contaminated Hoosick Falls' system, but conflicting information and a lack of regulations led to months of delays in notifying the public about the issue, documents show.

The EPA was informed of the water pollution in Hoosick Falls in December 2014, according to emails previously obtained by the Times Union. In December 2015, EPA Regional Administrator Judith Enck sent a letter to Hoosick Falls Mayor David Borge directing him to stop telling residents it was a "personal choice" whether to drink the contaminated water. Borge has said he was relying on advice from the state Health Department.

U.S. Rep. Chris Gibson urged the House committee to investigate and hold hearings on the situation in Hoosick Falls and Petersburg.

The state's awareness of the contamination actually dates back years. The Times Union reported five months ago that Taconic, a plastics company in Petersburg, alerted the Department of Environmental Conservation in 2005 about its discovery of the chemical in the groundwater around its Route 22 plant. State officials said environmental laws and regulations in 2005 did not require any public notification or more investigation.

PFOA is a toxic chemical used since the 1940s to make industrial and household products. Several small manufacturers in eastern Rensselaer County and North Bennington, Vt., used the chemical for decades.

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Newburgh asks state to conduct blood sampling for chemical in water supply

By Scott Waldman

07/22/16 06:05 AM EDT

Politico.com – New York

ALBANY — Thousands of Newburgh residents may have been exposed to a toxic chemical linked to cancer in their water supply but it's unclear if the state plans to conduct blood tests.

So the city is trying to give the state a nudge. City manager Michael Ciaravino recently wrote to the state Department of Health requesting that Newburgh residents be tested, and volunteering to offer testing sites.

As with other sites where perfluorinated chemicals have been found in New York, it's unclear how long the toxic chemical has been in the water. Ciaravino noted that Gov. Andrew Cuomo's administration collected blood samples in Hoosick Falls to determine

exposure levels there, and said it was time to develop an “appropriate response” in Newburgh.

The Environmental Protection Agency recently set a guideline of 70 parts per trillion for PFOS and PFOA in drinking water supplies. PFOS, or perfluorooctanesulfonic acid, is related to PFOA, or perfluorooctanoic acid, and has been linked to serious health problems in humans. It is used in firefighting foam, including the type used at the nearby Stewart Air National Guard Base.

“In light of the recent health advisory from EPA reducing the guidance limit for PFOS from 200 ppt to 70 ppt, and in light of the fact that the City has no way of knowing the duration of, and at what levels our residents have historically been exposed to PFOS in their drinking water, we believe there is adequate justification for the Department of Health to institute a biological testing program and health assessment study in the City of Newburgh,” Ciaravino said.

Health department spokesman James Plastiras said the administration’s “top priority has always been to reduce exposure.”

“We will continue to take decisive action to support the City and its residents, and are actively engaged with federal partners, specifically the Agency for Toxic Substances and Disease Registry, in working to find solutions that provide the tools the community needs to better understand possible exposure to PFOS,” he said in a statement.

In Hoosick Falls, hundreds of residents have elevated levels of PFOA, which takes years to leave the body, in their bloodstream. Some of the blood levels in Hoosick Falls and nearby Petersburg are more than 500 times the national average of 2 parts per billion.

Depending on the extent of the pollution in Newburgh, an even larger portion of the public could have been exposed to chemicals in their water supply.

It is essential to conduct bio-monitoring when large numbers of people are exposed to toxic chemicals, said Laurel Schaider, a research scientist at the Silent Spring Institute, which studies the links between environmental contamination and human health. She said it's important for people to track their own exposure, and that of their children, so that they work with medical professionals to track any health issues. Early blood testing is essential, she said.

"I think it's also helpful because it might put you on the lookout for certain types of health effects that may happen down the road," Schaider said. "So, for instance, PFOS is thought to affect the liver, so down the road to have that as part of someone's medical record may help their doctor diagnose or check for some problem of the liver"

The state Department of Environmental Conservation is investigating the cause of the pollution and has promised to hold any polluters responsible. The state is also paying for a new water filter for Newburgh to remove PFOS as well as an upgrade in pipelines for an alternative water source from the Catskill aqueduct.

In May, Ciaravino declared a state of emergency and issued warnings about Newburgh's municipal water supply, which tested at more than 140 parts per trillion for PFOS. The declaration was lifted a day later, after the city switched its water supply to a different, temporary source. The city's mayor, Judy Kennedy, was angry about the declaration and said she had been in talks with the Cuomo administration and the EPA about how to handle the pollution crisis.

Congress is now conducting a probe of the way the Cuomo administration and the EPA handled the Hoosick Falls water crisis, calling it "sluggish." The Assembly will hold hearings in September on water quality issues around the state and the Senate is holding hearings next month in Hoosick Falls.

GLYNN: State agency asked to test water again

By Don Glynn

Jul 23, 2016

Niagara Gazette

In the wake of the recent scare over contamination of an upstate village water system, an environmental group has called upon the state Department of Health to test all drinking water across the Empire State. The department checks all the systems every year, of course, but another look is recommended now.

What triggered the latest concern was the disclosure that PFOA, a chemical used in Teflon products, was discovered in the municipal water supply serving Hoosick Falls and Petersburg, two communities northeast of Albany. Assemblyman Steve McLaughlin (R,C - Troy), who represents that area, initially called the contamination the most serious public health crisis since the Love Canal in Niagara Falls. Although the problem was detected months ago, it was only recent that village residents learned about the potential health effects, such as rare cases of cancer. Those same people continue to ask why state health agency officials didn't share that information with them sooner.

The State Health Department has already confirmed through its repeated tests that the temporary municipal filtration system installed in the Hoosick Falls water supply has effectively removed PFOA from the village drinking water. A spokesman added that the water is now acceptable for all uses, including drinking and cooking.

Last week, Gov. Andrew Cuomo signed a bill that empowered state residents who have been exposed to contaminants from any Superfund sites to file personal injury lawsuits against the responsible party. In Hoosick Falls, the nearby Saint-Gobain Performance Plastics was identified as the source of the contamination. That company is adjacent to the municipal wells from which the water is drawn.

Ron Gwozdek, supervising public engineer in the Niagara County Health Department, noted that the State Health Department provides an annual Water Quality Report to provide consumers with detailed information on the quality of water that is delivered to their public water system. Gwozdek said that to date he has not been informed of any special hearings in relation to the PFOA in the Hoosick Falls area. When the state Assembly scheduled its water-quality hearings for the fall, it also indicated its mandate could examine the situation statewide.

The long-term treatment system will probably be operating by October, according to the

State Health Department. Residents in the impacted villages, however, still look forward to the public hearings to find out precisely how the problem erupted and what effect, if any, it could have had on their health.

Saint-Gobain, a wholly-owned subsidiary of BP, acquired the Carborundum Co. of Niagara Falls in the mid-1990s.

Federal Panel Issues Stronger Warning About Health Dangers Of PFOA: A scientific panel has supported a federal report that upgrades the health effects of the chemical PFOA.

By Howard Weiss-Tisman

Jul 22,

Vermont Public Radio

The report was issued in June by the National Toxicology Program, and draws a strong link between PFOA and PFOS and their effects on immune functions in humans.

The National Toxicology Program is run by the Department of Health and Human Services. The program looked at a range of human and animal studies that show that PFOA and PFOS are hazardous to the immune system.

Vermont State Toxicologist Sarah Vose says the panel of scientists met this month to go through the data, and they supported the report's findings that the chemicals likely impact human health.

"This report really confirms that the study methods and conclusions were valid," Vose says. "There's enough evidence to indicate that there is a presumed hazard to the immune system from PFOA and PFOS."

In one of its strongest wordings to date, the federal department found that PFOA and PFOS are "presumed" to alter immune functions in humans.

The conclusion is one step above saying it is a "suspected" human hazard.

If additional tests support the science, then PFOA and PFOS could be identified as a "known" health hazard.

PFOA and PFOS are turning up in water supplies across the country, and in Vermont, PFOA was first discovered in North Bennington in February.

It was most recently found in a ground water monitoring well in Shaftsbury.

"There's enough evidence to indicate that there is a presumed hazard to the immune system from PFOA and PFOS." - Sarah Vose, state toxicologist

"This report really supports the level of concern that we've seen in Vermont and in some other states," says Vose.

The state began distributing bottled water to people who live within a quarter mile of the closed Shaftsbury Landfill, and the Department of Environmental Conservation will test private wells in the area for the chemical.

The municipal water supply in Shatsbury has been tested and is safe to drink, according to the Department of Environmental Conservation.

Vose cautions that while the panel review strengthens the state's argument that water with PFOA or PFOS above 20 parts per trillion should not be consumed, it does not

mean that anyone who has the chemicals in their blood will suffer from autoimmune disease.

"The message is not that anyone with PFOA in their body will get the flu this year. It is possible they will update this in a few years if additional data become available."

The Environmental Protection Agency recently lowered its advisory level from 400 parts per trillion to 70 parts per trillion.

Vose says there are still a lot of questions about how chemicals react with the body.

"Right now the mechanism is unknown how PFOA and PFOS work to suppress or alter the immune system, but from a public health perspective, any changes that are caused by a chemical in the body are concerning," Vose says. "The message is not that anyone with PFOA in their body will get the flu this year. It is possible they will update this in a few years if additional data become available."

More wells in Petersburg test positive for high levels of PFOA

By Web Staff

Updated: July 20, 2016, 4:43 pm

PETERSBURGH, N.Y. (NEWS10) – Another round of PFOA testing results were released on Wednesday, with 16 of the 20 samples registering below 70 parts per trillion.

Four samples came back above the 70ppt threshold, with levels between 71 and 100 parts per trillion.

Thirteen samples came back “non-detect”, meaning they contained only trace amounts of PFOA.

Another two samples were below 20 parts per trillion, and one was between 20 and 70ppt.

In total, 67 of the 278 samples taken at homes in the Town of Petersburg have now come back with levels over the EPA’s guidance level of 70 parts per trillion.

State to begin giving Congress Hoosick documents: Committee on Oversight is seeking documents related to water contamination

By Matthew Hamilton

Published 8:31 pm

Wednesday, July 20, 2016

Times Union

Albany

A congressional committee extended the deadline for Gov. Andrew Cuomo's administration to turn over documents about the Hoosick Falls water contamination crisis the committee wants for its investigation.

The administration said Wednesday that both parties have agreed that the Executive Chamber will release the documents on a rolling basis, with the first batch set to go out next week.

"We will gladly share our experience in New York to clarify the facts and the challenges

facing states as they work to address contaminants that are unregulated by the federal government," Cuomo spokesman James Allen said of the House of Representatives Oversight and Government Reform Committee's request. "As part of those efforts, we are working with the committee and providing assistance as it fulfills its responsibilities. As is usual for requests of this volume, the committee has granted an extension and we will begin providing documents next week on a rolling basis."

In a letter sent July 6, the committee asked for all documents and communications to or from any state employee — as well as to or from any employees of the governor's office — related to Hoosick Falls, PFOA and perfluorooctanoic acid.

The committee also requested a similar trove of documents and communications from the U.S. Environmental Protection Agency.

It provided a deadline of Wednesday at 5 p.m. for both the state and EPA. Though the committee has subpoena power, the requests did not carry the force of law.

In letters Wednesday to oversight committee Chairman Rep. Jason Chaffetz, R-Utah, and Subcommittee on the Interior Chairwoman Rep. Cynthia Lummis, R-Wyoming, EPA Deputy Assistant Administrator Joel Beauvais outlined the agency's timeline of events and said it has begun searching for the requested documents. Beauvais also pointed the chairs to documents already uploaded to FOIAonline.

"The EPA recognizes the importance of the committee's need to obtain information necessary to perform its oversight functions, and is committed to continuing to work with your staff on how to best accommodate the committee's interests in these documents," Beauvais wrote. "We anticipate providing additional responsive documents."

In seeking the documents, the committee cited a number of reports that indicate that officials from the local level on up were aware for more than a year of PFOA pollution of the Hoosick Falls municipal water supply but did not warn residents to stop drinking the water. Attempts to reach a committee spokesperson were unsuccessful.

"The Committee is seeking information as to why the state and county delayed in acknowledging the health risks of PFOA exposure in Hoosick Falls and continued to provide the public with false and confusing information," the committee's letter to the governor stated.

PFOA contamination has not only ravaged the village of Hoosick Falls' water, but it also has affected private wells in the town of Hoosick and nearby Petersburg. Factories in that portion have eastern Rensselaer County used that chemical for decades.

Since the House committee made its outreach, the state Assembly and Senate said they will convene hearings on water quality issues. The Senate will hold one of its sessions in Hoosick Falls.

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Deadline extended for NYS to turn over PFOA documents

July 20, 2016 04:44 PM

News Channel 13 – Albany

The deadline has been extended for New York State and the EPA to turn over documents to the federal government related to the PFOA crisis.

A congressional committee is extending the deadline until July 27.

The committee is investigating claims that the EPA, state and county knew the water was poisoned, but didn't take action for nearly a year.

This comes as more homes in Petersburg are testing positive for the toxic chemical.

The county health department says out of 20 wells recently tested, four were above the EPA safe levels of 70 parts per trillion.

All of those homes are eligible to have a filtration system installed by Taconic.

That's the company claiming responsibility for the contamination.

More than 70 other homes previously tested, also qualify.

Shaftsbury landfill PFOA results slightly over limit

Wed, 07/20/2016 - 3:56pm –

Vermont Biz

Vermont Business Magazine Governor Peter Shumlin announced today new test results from precautionary groundwater sampling of perfluorinated compounds at the closed Shaftsbury Landfill. Results showed PFOA to be present at a concentration of 25 parts per trillion in the one monitoring well tested. The combined Vermont Health Advisory limit for PFOA and PFOS is 20 parts per trillion. Additional monitoring wells at the landfill will be tested within the next several weeks.

Residents with private wells living within a quarter mile of the closed landfill will be contacted by the Department of Environmental Conservation to have their wells tested. Bottled water will be supplied to residents as a temporary source of drinking water until test results are received. A pick-up location is currently being identified and will be made available tomorrow. Residents should contact the Department of Environmental Conservation at (802) 828-1138 if their drinking water well is located within a quarter mile radius and they have not heard from the Department by Friday, July 22.

Approximately 15 residences with private wells are believe to be located within a quarter mile of the closed landfill. A quarter mile radius was set based on the size and nature of the Shaftsbury Landfill site. The municipal water supply system in Shaftsbury shared with the Village of North Bennington does not contain any perfluorinated chemicals, and is safe to drink.

The Department of Environmental Conservation asked the Town of Shaftsbury to test for perfluorinated compounds including PFOA and PFOS after several residents expressed concerns of possible contamination at the site. The town agreed to test for the potentially harmful chemicals due to its proximity to the former Chemfab plant in North Bennington.

The Shaftsbury Landfill has always been owned and operated by the Town of Shaftsbury. It operated from 1967 to 2006. The town is the current steward of the landfill's post-closure maintenance plan.

For questions related to PFOA or private drinking water well testing, call the Vermont Dept. of Environmental Conservation at (802) 828-1138.

For health-related questions, call the Vermont Dept. of Health at (800) 439-8550.

Source: Governor's office 7.20.2016

Years before water contamination announced, CDC monitored toxic sludge plaguing area families

by David Kumbroch

Updated at 08:06pm, July 20, 2016

WHNT News, Channel 19 - Alabama

TRINITY, Ala. - The West Morgan-East Lawrence Water Authority continues to battle

the fallout from declaring their water unsafe in early June. They made the call because of Perfluorinated chemicals (PFC's) -- specifically, PFOA and PFOS. But we found the struggles with these chemicals started years earlier, when the U.S. Environmental Protection Agency (EPA) found that Decatur Utilities had spread sludge -- contaminated with those same chemicals -- over potentially thousands of acres of fields in Lawrence, Morgan, and Limestone counties from 1996 until 2008.

WHNT News 19 is Taking Action to bring you answers about this long-running problem.

The Sludge

Decatur Utilities contractor trucks used to tote sludge down rural roads in Trinity. The Morgan family saw them dump it on the fields by their house.

"We sat on the porch and watched them do it," said Rhonda Morgan.

Of course, they didn't know it could be toxic. They didn't know much about it at all beyond the smell.

"They would just drive around and the liquid would come out," said Greg Morgan.

The Morgans said the smell was sickening, and you couldn't mistake it. They couldn't open their windows it was so bad.

"There's a liquid sludge, and there's a regular thick sludge," said Rhonda.

"They would bring a front-end loader out, and then they would dump it into the spreader trucks," Greg added.

But the sludge trucks hardly demanded their attention. It was actually the mail truck that changed everything for them. The Morgans received a letter in 2010 that said the sludge is toxic and they needed to be tested.

The Tests

The Center for Disease Control's Agency for Toxic Substances and Disease Registry, or ATSDR, would conduct a study. They called a meeting and tested just over 150 people. The people were selected for testing because they lived near areas where sludge had been applied and were regarded as having a higher risk to chemical exposure.

"I didn't worry about it too much until the tests came back," Rhonda Morgan told WHNT News 19.

The entire Morgan family showed PFOA levels above the national average -- some double, some triple the normal range. Their results fit right in with the rest of the people studied.

They noticed changes at home, too.

The Health Effects

"There was things happening to us that was weird because it was happening to everybody in the house," said Rhonda.

Of course, the Morgans also get their water from the West Morgan-East Lawrence Water Authority. However, at the time the WMEL water was still within EPA advisory limits, which weren't lowered until this year.

Meanwhile, the family dealt with various health problems that had popped up.

"Most of us is on thyroid medication. All the guys are on cholesterol medication," said Rhonda.

The C-8 Science Panel, the largest scientific study of the health effects of PFC's -- linked both thyroid problems and diagnosed high cholesterol to exposure.

The Impact

Greg Morgan describes how his health problems changed everything.

"Things started happening to me. I'd be driving to work, and everything would start going numb," said Greg. "Even trying to drive to work, your hands would just fall off the steering wheel, and you have to be ready to catch it with the next one."

Greg worked at NASA, making good money as a pipe fitter -- \$75,000 to \$80,000 a year.

Now he's confined to his home.

"I had to go on disability. I had to leave my job." He said he didn't have a choice. The couple lives on \$2,500 a month now.

Now the white picket fences, the rolling fields around their home --- they don't just provide seclusion, they enforce it.

"We used to always take our grandkids to town and spend a lot of time with them, and we can't do that anymore," said Rhonda. "I mean, it's a good thing they love us enough to hang out in the bedroom with us, because we wouldn't see them very much if they didn't."

The Quest

Rhonda does go out sometimes, but usually it's for community meetings -- like the one where the West Morgan-East Lawrence Water Authority tried to fire general manager Don Sims, who sounded the alarm about the drinking water. She wanted to stand up for him.

"Anything that I can do that stops this from happening to somebody else, then I want to do it," said Rhonda.

She spoke to warn people, with blood and paperwork to prove her point.

"This stuff is more toxic than they ever realized," Rhonda said.

The ATSDR summed up their findings in a report issued in 2013.

The Water

All the way back then -- the CDC identified the West Morgan-East Lawrence Water Authority as a potential problem.

They found that participants who regularly used the West Morgan-East Lawrence public water system as their primary drinking water source had higher blood levels of PFCs.

Their recommendations include:

- "Continue efforts to reduce the level of PFCs present in the Tennessee River which is used as source water for the WM/EL public water supply system."
- "Continue monitoring for PFCs in the WM/EL public water supply."
- "Continue providing the community with any new science about health effects of PFC exposure as new information is documented."

Three years later, the EPA issues a stricter advisory level.

Two weeks after that, Sims, general manager of the West Morgan-East Lawrence Water Authority, tells the public their water isn't safe to drink.

The Morgans already knew their blood tests showed higher levels of the contaminants from the biosludge. But they also get their water from West Morgan-East Lawrence. They rarely use it now.

Still, Rhonda says, "In this county, you've got women that are pregnant and drinking it. You've got women that are breastfeeding and bottlefeeding babies. You've got elderly, sick people. I know there's four babies in this county that are tube-fed. It takes a lot of water for that."

The Reason

If the Morgan family dares to ask why, they can't help but look around them first.

"What's really frustrating is, this don't happen in expensive neighborhoods. This don't happen in the high up neighborhoods," Rhonda says, "They put it on the people that is in a lower bracket, a lot of Lawrence county, even poverty level."

She feels like the myriad of politicians who voiced displeasure with Don Sims for going ahead with the announcement abandoned them, "That they were willing to sit back and let them be poisoned every day more and more and more until they could come up with a solution without having to jump in. It really is irritating to me."

The Way Forward

Rhonda has five years of blood tests to look back on, but she's only looking forward.

"Our damage is done," Rhonda concludes.

"Even if it all left us in the next few years, our damage is done. Nerve damage and other things. But our grandkids, you know, there's still hope that our grandkids won't have to suffer and go through this the way we have. And that's all we want."

"We want our grandkids to be safe."

Read more of WHNT News 19's ongoing coverage of the water issues.

Law firms lay out case for legal action over contaminated water in Bucks, Montgomery: Norristown law firm hosts meeting on water contamination for Horsham and Warminster residents

By Kyle Bagenstose, staff writer

July 22, 2016

Unwell Water: Everything you need to know about area well contamination

Unwell Water Series Over the past two years, 16 public wells and about 140 private wells have been shut down by contamination from perfluorooctanoic acid and perfluorooctane sulfonate. The former Naval Air Warfare Center in Warminster and former Naval Air Station Joint Reserve Base in Horsham, along with the active Horsham Air Guard Station, are thought to be the source of the taint.

This news organization has been investigating and writing extensively on the topic, telling the stories of local people who believe they've been sickened by the chemicals, speaking with health experts on the potential toxicity of the chemicals, and examining the actions taken by local, state and federal agencies as they address the contamination.

As a public service, we will make this content available to subscribers and non-subscribers.

PFOS/PFOA Horsham Water Contamination

A team of three regional law firms is offering its services to Bucks and Montgomery County residents considering legal action over local drinking water contaminated with perfluorinated compounds.

Attorney Joseph Feliciani, of Norristown's Creedon & Feliciani law firm, led a presentation to several dozen residents gathered at Williamson Banquet & Event Center in Horsham on Wednesday night. Feliciani told the crowd he is also a resident of Horsham — one of three communities affected by drinking water contaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) that is suspected to have originated at a trio of current and former military bases in the area.

“I have an intimate relationship with the Horsham area,” Feliciani said, adding he has

lived in the town for 30 years and put five children through the Hatboro-Horsham School District. "I think that this area is (one of) the best areas to live in the state, but for the water. The water is a problem."

Feliciani said his firm is seeking residents who may have been exposed to the chemicals, including those in Horsham, Warminster and Warrington. As previously reported by this news organization, drinking water contamination has led to the closure of 16 public and about 150 private wells in the three communities, and has also been found in smaller amounts in neighboring townships.

Feliciani was not alone. Joining him in the two-hour presentation was Aaron Freiwald, of Philadelphia's Freiwald Law, and Adam Pantano, of Saltz, Mongeluzzi, Barrett & Bendesky, also of Philadelphia.

Freiwald touted his experience in reaching a settlement with the Dow Chemical Co. on behalf of clients who had developed brain cancer. Pantano said his firm is or has been involved in high-profile litigation in the Philadelphia area, including the 2010 Duck Boat crash on the Delaware River that killed two and the 2015 Amtrak train derailment that killed eight.

The attorneys stated the three firms would jointly litigate any potential case.

According to Heather Thomas, attorney for Creedon & Feliciani, the firms are considering bringing suit against the U.S. Navy and the companies that manufactured the chemicals. Thomas said suing the Navy would be difficult, but the law firms know of state statutes that could help skirt legal immunities that exist for the federal government.

"They had a duty. They knew. And they put these chemicals out there and allowed them to get into your water systems," Feliciani said.

Manufacturers would be "only slightly less difficult" to litigate against, Freiwald said. He identified 3M and DuPont but added there were several other companies that had previously manufactured the chemicals.

Potential awards sought would be for home filtration systems and ongoing material disposal, real estate devaluation, blood tests, medical monitoring and personal injury suits, Feliciani said.

Thomas laid out a list of dozens of potential ailments the firm's research had found to be potentially linked to the chemicals, including a variety of cancers, neurological effects and reproductive issues.

The attorneys urged residents to fill out retainer agreements and said the firms would keep a third of any award, in addition to litigation fees. That arrangement is the same as offered by Weitz & Luxenberg, the New York City law firm associated with Erin Brockovich that delivered its pitch at Upper Moreland High School last month.

Feliciani said he believed his team's local experience was a positive.

"I think if you look around, we're the ones who live here," Feliciani said. "We talk more about the community ... than anybody else does."

Wednesday's meeting brought the number of actively involved legal teams to three. Philadelphia environmental law firm Williams Cuker Berezofsky announced in mid-June it had filed an intent to sue the military within 60 days if it did not provide blood tests and medical monitoring to residents of the area. It is also representing a Warrington family that believes it has been harmed by the chemical contamination.

Prior to Feliciani's presentation Wednesday, state Rep. Todd Stephens, R-151, of Horsham, updated the audience on the latest action by lawmakers.

He derided the Navy's recently disclosed decision not to fund blood testing for area residents, which Pennsylvania Gov. Tom Wolf and a slew of local lawmakers had formally requested.

“One of the challenges I keep hearing from the federal government is that we don't have enough information about long-term effects (of the chemicals),” Stephens said. “That just demands even further that we have these blood tests and a comprehensive health study so we can begin to understand the long-term effects that might come from this exposure.”

Newburgh asks state to conduct blood sampling for chemical in water supply

By Scott Waldman

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ALBANY — Thousands of Newburgh residents may have been exposed to a toxic chemical linked to cancer in their water supply but it's unclear if the state plans to conduct blood tests.

So the city is trying to give the state a nudge. City manager Michael Ciaravino recently wrote to the state Department of Health requesting that Newburgh residents be tested, and volunteering to offer testing sites.

As with other sites where perfluorinated chemicals have been found in New York, it's unclear how long the toxic chemical has been in the water. Ciaravino noted that Gov. Andrew Cuomo's administration collected blood samples in Hoosick Falls to determine exposure levels there, and said it was time to develop an “appropriate response” in Newburgh.

The Environmental Protection Agency recently set a guideline of 70 parts per trillion for PFOS and PFOA in drinking water supplies. PFOS, or perfluorooctanesulfonic acid, is related to PFOA, or perfluorooctanoic acid, and has been linked to serious health problems in humans. It is used in firefighting foam, including the type used at the nearby Stewart Air National Guard Base.

“In light of the recent health advisory from EPA reducing the guidance limit for PFOS from 200 ppt to 70 ppt, and in light of the fact that the City has no way of knowing the duration of, and at what levels our residents have historically been exposed to PFOS in their drinking water, we believe there is adequate justification for the Department of Health to institute a biological testing program and health assessment study in the City of Newburgh,” Ciaravino said.

Health department spokesman James Plastiras said the administration’s “top priority has always been to reduce exposure.”

“We will continue to take decisive action to support the City and its residents, and are actively engaged with federal partners, specifically the Agency for Toxic Substances and Disease Registry, in working to find solutions that provide the tools the community needs to better understand possible exposure to PFOS,” he said in a statement.

In Hoosick Falls, hundreds of residents have elevated levels of PFOA, which takes years to leave the body, in their bloodstream. Some of the blood levels in Hoosick Falls and nearby Petersburg are more than 500 times the national average of 2 parts per billion.

Depending on the extent of the pollution in Newburgh, an even larger portion of the public could have been exposed to chemicals in their water supply.

It is essential to conduct bio-monitoring when large numbers of people are exposed to toxic chemicals, said Laurel Schaider, a research scientist at the Silent Spring Institute, which studies the links between environmental contamination and human health. She said it’s important for people to track their own exposure, and that of their children, so that they work with medical professionals to track any health issues. Early blood testing is essential, she said.

“I think it’s also helpful because it might put you on the lookout for certain types of health effects that may happen down the road,” Schaider said. “So, for instance, PFOS is thought to affect the liver, so down the road to have that as part of someone’s medical record may help their doctor diagnose or check for some problem of the liver”

The state Department of Environmental Conservation is investigating the cause of the pollution and has promised to hold any polluters responsible. The state is also paying for a new water filter for Newburgh to remove PFOS as well as an upgrade in pipelines for an alternative water source from the Catskill aqueduct.

In May, Ciaravino declared a state of emergency and issued warnings about Newburgh's municipal water supply, which tested at more than 140 parts per trillion for PFOS. The declaration was lifted a day later, after the city switched its water supply to a different, temporary source. The city's mayor, Judy Kennedy, was angry about the declaration and said she had been in talks with the Cuomo administration and the EPA about how to handle the pollution crisis.

Congress is now conducting a probe of the way the Cuomo administration and the EPA handled the Hoosick Falls water crisis, calling it "sluggish." The Assembly will hold hearings in September on water quality issues around the state and the Senate is holding hearings next month in Hoosick Falls.
